



05 DEC 2005

FULBRIGHT & JAWORSKI LLP
600 CONGRESS AVENUE
SUITE 2400
AUSTIN, TX 78701

In re Application of :
DE CROMBRUGGHE et al. :
Application No.: 10/534,099 : DECISION ON
PCT No.: PCT/US03/35139 :
Int. Filing Date: 04 November 2003 : PETITION UNDER
Priority Date: 04 November 2002 :
Attorney Docket No.: UTSC:772US : 37 CFR 1.137(b)
For: HA4,A NEW OSTEOBLAST-AND :
CHONDROCYTE-SPECIFIC SMALL SECRETED :
PEPTIDE, COMPOSITIONS AND METHODS OF USE :

This decision is in response to applicants' submission filed 07 October 2005.

BACKGROUND

On 04 November 2003, applicants filed international application PCT/US03/35139 which designated the U.S. and claimed a priority date of 04 November 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 April 2005.

On 06 May 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, a petition under 37 CFR 1.137(b) to revive the application.

On 19 August 2005, a decision was mailed dismissing applicants' petition under 37 CFR 1.137(b). Specifically, it was noted that applicants had failed to submit the required reply, namely the U.S. Basic National Fee.

On 07 October 2005, applicants filed the instant submission which was accompanied by, *inter alia*, the U.S. Basic National Fee.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;

- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the U.S. Basic National Fee on 07 October 2005.

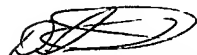
As to item (2), applicant submitted the petition fee on 06 May 2005.

As to item (3), the required statement has been provided.

CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459